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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,184	02/13/2002	William M. Traut	66867-001-8	5310

7590 08/18/2003

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10  
EXAMINER

PHAM, MINH CHAU THI

ART UNIT

PAPER NUMBER

1724

DATE MAILED: 08/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/073,184

Applicant(s)

TRANT ET/AL

Examiner

PHAM

Art Unit

1724

-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to Amendment A communication(s) filed on 7/24/03
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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***Claim Rejections - 35 USC § 103***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-6, 8-11, 13, 14 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the German Patent (DT 2617364; 1, 2, 3, 4, 5 & 7 in Figs. 1 & 2).

The German reference discloses a vent for septic system including a conduit to convey gas comprising a leg configured to mount on, conceal a portion of and convey gas from the conduit wherein the leg is configured for mounting a fixture thereon. The German reference further discloses the leg closely or sealingly receives the conduit and configured to convey gas from the conduit to the passage, and a fixture mounted on the leg wherein the fixture is a statue or a garden ornament. The German reference further discloses a method of concealing a conduit configured to convey gas from a septic system comprising the steps of sizing the conduit, mounting on the conduit a leg configured to convey gas from the conduit wherein the leg is configured for mounting a fixture thereon. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide a vent for septic system with a mounted fixture thereon as taught by the German reference to provide a an artificial landscaping device adapted to fit over the septic system covers or vents and look fully natural to an unsuspecting observer by blending into the landscaping.

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3. Claims 7, 12, 15 & 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over the German Patent (DT 2617364; 1, 2, 3, 4, 5 & 7 in Figs. 1 & 2), as applied supra to paragraph 2 above, in view of Craft et al (6,015,444; Abstract; 12, 16, 18, 20, 22, 60, 64, 80, 90, 97 & 98 in Fig. 4; col. 3, lines 42-65; col. 4, line 48 through col. 5, line 29).

Claims 7, 12, 15 & 19 call for a filter in the gas passage. Craft et al disclose a venting system including a conduit configured to convey gas therefrom comprising a leg configured to conceal a portion of, and convey gas from, the conduit, a leg closely received the conduit wherein the leg defines a passage configured to receive the conduit and wherein the conduit has an outlet that defines a first size and the passage has an inlet that defines a second size that is different from the first size and wherein the conduit is misaligned relative to the passage. Craft et al further disclose the vent comprising a filter for filtering gas conveyed through the passage. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide a filter in the passage as taught by Craft et al in the venting system of the German reference to provide a venting breather for a system without allowing easy entry of external contaminants into the system.

#### ***Response to Amendment***

4. Applicant's arguments filed on July 22, 2003 have been fully considered but they are not persuasive.

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Applicant argues that the cited prior arts do not disclose a vent for septic system comprising a leg configured to mount on and conceal a portion of a conduit extending from the septic system and the leg is configured for mounting a fixture thereon. The Examiner now drops the Craft et al as a primary reference and newly introduces the German reference to show a vent for septic system comprising a leg (2) configured to mount on and conceal a portion of a conduit (5) extending from the septic system and the leg is configured for mounting a fixture (1) thereon, as claimed. The Examiner introduces Craft et al as the secondary reference to show the limitation as a filter located on the passage of the vent for filtering gas conveyed through the passage. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide a filter in the passage as taught by Craft et al in the venting system of the German reference to provide a venting breather for a system without allowing easy entry of external contaminants into the system.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh-Chau Pham whose telephone number is (703) 308-1605. The examiner can normally be reached on Monday-Friday (except Wednesday) from 7:15 a.m. to 5:45 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Blaine Copenheaver, can be reached on (703) 308-1261. The fax phone number for this Group is (703) 872-9310 (non-finals) or (703) 872-9311 (after-finals).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.



**Minh-Chau Pham**

**Patent Examiner**

August 14, 2003